

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. VEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
GREGORY M. TAYLOR  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †  
RYAN N. FARR \*  
JAMES B. BELSHE

# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS



1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM

PATENT APPLICATION  
Docket No: 15621.2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Byron Merrell et al.	)
Serial No.:	10/767,871	) Art Unit
		) 3742
Filed:	January 29, 2004	)
Confirmation No.:	4119	)
For:	RETORT HEATING APPARATUS	)
	AND METHODS OF USE	)

### TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 50 references submitted for consideration.
- ☐ Copies of \_\_\_\_\_ of the references listed on the Form PTO-1449.
- ☐ English translations of \_\_\_\_ (\_\_\_\_) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
  - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - ☐ Promptness Certification; or
  - ☐ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - ☐ Promptness Certificate;
  - ☐ Petition for Consideration; and

- \_\_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- \_\_\_\_ Petition to Withdraw from Issue; and
- \_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

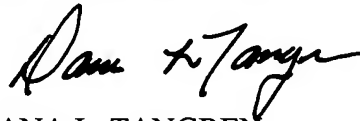
C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- \_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- \_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).
- \_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 30<sup>th</sup> day of September 2004.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800



PATENT APPLICATION  
Docket No: 15621.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Byron Merrell et al.	)
		)
Serial No.:	10/767,871	) Art Unit
		) 3742
Filed:	January 29, 2004	)
		)
Confirmation No.:	4119	)
		)
For:	RETORT HEATING APPARATUS	)
	AND METHODS OF USE	)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

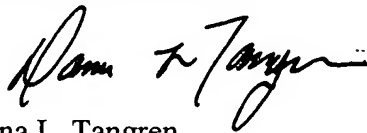
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US patent document is also enclosed.

Dated this 30<sup>th</sup> day of September 2004.

Respectfully submitted,



Dana L. Tangren  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

DLT:dfw  
W:\15621\2\DFW0000011710V001.DOC

Applicant: Bryon Merrell et al.

Confirmation No.: 4119

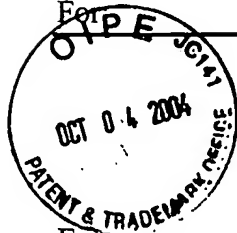
Serial No.: 10/767,871

Att'y Docket No.: 15621.2

Filing Date: January 29, 2004

Group: 3742

For: RETORT HEATING APPARATUS AND METHODS OF USE

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	1,388,153	08/16/1921	Williams
___ 2	1,447,680	03/06/1923	Michie et al.
___ 3	1,923,209	08/22/1933	Illingworth
___ 4	2,448,223	08/31/1948	Lantz
___ 5	2,494,530	01/10/1950	Tuttle
___ 6	2,609,331	09/02/1952	Cheney
___ 7	2,698,283	12/28/1954	Dalin
___ 8	2,710,828	06/14/1955	Scott, Jr.
___ 9	2,814,587	11/26/1957	Van Dijck
___ 10	2,908,617	10/13/1959	Murphree
___ 11	3,377,266	04/09/1968	Salnikov
___ 12	3,384,569	05/21/1968	Peet
___ 13	3,475,319	10/28/1969	MacLaren
___ 14	3,487,002	12/30/1969	Chaney et al.
___ 15	3,519,539	07/07/1970	Schulte
___ 16	3,562,143	02/09/1971	Jagel, Jr. et al.
___ 17	3,617,468	11/02/1971	Reyburn et al.
___ 18	3,821,353	06/28/1974	Weichman
___ 19	4,072,885	02/07/1978	Emark, Jr.
___ 20	4,075,081	02/21/1978	Gregoli
___ 21	4,133,741	01/09/1979	Weichman et al.
___ 22	4,234,230	11/18/1980	Weichman
___ 23	4,280,879	07/28/1981	Taciuk

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Bryon Merrell et al.

Confirmation No.: 4119

Serial No.: 10/767,871

Att'y Docket No.: 15621.2

Filing Date: January 29, 2004

Group: 3742

For: RETORT HEATING APPARATUS AND METHODS OF USE

_____ 24	4,285,773	08/25/1981	Taciuk
_____ 25	4,373,454	02/15/1983	Pitrolo et al.
_____ 26	4,419,216	12/06/1983	Magedanz et al.
_____ 27	4,425,220	01/10/1984	Kestner, Jr.
_____ 28	4,431,485	02/14/1984	Petrovic et al.
_____ 29	4,448,668	05/15/1984	Deering
_____ 30	4,459,201	07/10/1984	Eakman et al.
_____ 31	4,464,247	08/07/1984	Thacker
_____ 32	4,465,556	08/14/1984	Bowen et al.
_____ 33	4,490,237	12/25/1984	Jaquay et al.
_____ 34	4,501,644	02/26/1985	Thomas
_____ 35	4,502,920	03/05/1985	Edwards
_____ 36	4,511,434	04/16/1985	Vasalos
_____ 37	4,589,973	05/20/1986	Minden
_____ 38	4,601,811	07/22/1986	Lewis et al.
_____ 39	4,601,812	07/22/1986	Anderson et al.
_____ 40	4,617,107	10/14/1986	Mandelson et al.
_____ 41	4,909,928	03/20/1990	Scinta
_____ 42	4,948,468	08/14/1990	Reeves et al.
_____ 43	4,983,278	01/08/1991	Cha et al.
_____ 44	5,041,210	08/20/1991	Merrill, Jr. et al.
_____ 45	5,068,010	11/26/1991	Mundstock et al.
_____ 46	5,156,734	10/20/1992	Bowles
_____ 47	5,643,484	07/01/1997	Swars et al.
_____ 48	6,012,870	06/11/2000	Dillingham
_____ 49	6,075,230	06/13/2000	Wilson
_____ 50	6,328,559 B1	12/11/2001	Sellers

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Bryon Merrell et al.

Confirmation No.: 4119

Serial No.: 10/767,871

Att'y Docket No.: 15621.2

Filing Date: January 29, 2004

Group: 3742

For: RETORT HEATING APPARATUS AND METHODS OF USE

---

Foreign Patent Documents

Examiner <u>Initial*</u>	Document <u>Number</u>	Publication <u>Date</u>	Country or <u>Patent Office</u>	<u>Translation</u>
-----------------------------	---------------------------	----------------------------	------------------------------------	--------------------

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial\***References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

W:\15621\2\DFW0000011708V001.doc

---

Examiner:

Date Considered:

---

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

---



PATENT APPLICATION  
Docket No: 15621.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 Byron Merrell et al. )  
 )  
 Serial No.: 10/767,871 ) Art Unit  
 ) 3742  
 Filed: January 29, 2004 )  
 )  
 Confirmation No.: 4119 )  
 )  
 For: RETORT HEATING APPARATUS )  
 AND METHODS OF USE )

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 30<sup>th</sup> day of September 2004.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 50 references (3 pages)
- Postcard

Respectfully submitted,

DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800